

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

No. 14-25V

Filed: March 10, 2014

Not for publication

GRACE BODDEN and	*	
DAMIAN BODDEN	*	
Legal representatives of a minor	*	
Child, B.B.,	*	Conceded; rotavirus; intussusception
	*	
Petitioners,	*	
v.	*	
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Carlos Allenby Bodden, Esq., Ellis, Ged & Bodden, Boca Raton, FL for petitioners.
Lindsay Corliss, Esq., U.S. Dept. of Justice, Washington, DC for respondent.

RULING ON ENTITLEMENT¹

Gowen, Special Master:

On January 10, 2014, Grace Bodden and Damian Bodden, legal representatives of a minor child, B.B., ["petitioners"] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the "Vaccine Act" or "Program. The petition alleges that B.B. received the Rotateq rotavirus vaccination on April 9, 2012, and thereafter suffered an ileocolic intussusception on April 11, 2011, which was caused-in-fact by the above-stated vaccination. Petition at 1.

On March 6, 2014, respondent filed her Rule 4(c) report ["Respondent's Report"], in which she concedes that petitioner is entitled to compensation in this case. Respondent's Report at 1. Specifically, respondent submits that, "DVIC agrees with petitioners' claim that [B.B.'s] intussusception was caused-in-fact by the Rotateq

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post this ruling on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

vaccine that he received on April 9, 2012. *Id.* at 3.; See §13(a)(1). Respondent also agrees the evidence demonstrates that petitioners met the statutory requirement because B.B. required hospitalization and surgery for his injury. Respondent's Report at 3-4; See §11(c)(1)(D)(iii).

In view of respondent's concession and the evidence before me, I find entitlement to compensation based on an injury that was caused-in-fact by a covered vaccine. 42 C.F.R. § 100.3(a)(XI). A separate damages order will issue.

IT IS SO ORDERED.

s/Thomas L. Gowen

Thomas L. Gowen
Special Master